

**Date:** January 17, 2012

**To:** Thomas J. Bonfield, City Manager  
**Through:** Theodore L. Voorhees, Deputy City Manager  
**From:** Rhonda B. Parker, Director, Department of Parks and Recreation  
**Subject:** Management Agreement with Durham Central Park, Inc.

### **Executive Summary**

The development of Durham Central Park from a few neglected acres in an underdeveloped section of downtown into a bustling site in a newly-thriving area is the result of successful public-private partnerships. Durham Central Park, Inc. (DCP), which has been successfully managing the Farmer's Market Pavilion for 5 years, is requesting that the City allow it to manage additional areas in the park which include the newly installed "Leaf" structure. City staff and the DCP Board have drafted a Management Agreement which will allow DCP to schedule events in the park and rent the park's structures while protecting the public's access to the park and its amenities and ensuring that DCP's rentals follow the same requirements as the City's rentals of public spaces.

### **Recommendation**

The staff recommends that the City Council authorize the City Manager to execute this Management Agreement with Durham Central Park, Inc.

### **Background**

The area that has become Central Park was not envisioned as part of a City parks master plan. As the plans from a June, 1995 design charrette on Central Park noted (sponsored by the Durham Central Park Steering Committee with a grant from Curtis Eshelman), the idea of the park "evolved from a discussion among friends." However, the subsequent land acquisition was funded by the City from 1996 and 2000 bonds. That process and the related closing of Roney St. took several years to accomplish.

By 2005, in place in the park were the Grace Garden, the Butterfly Garden, the Nature/Azalea Trail, the DCP Magnolia Wall Mural, the Hill Liberty Arts Pavilion, and preliminary grading of the Great Lawn—all privately developed parts of the project. A state Parks and Recreation Trust Fund (PARTF) Grant and City capital funding supported the Downtown Trail and the park bridge. A grant from the state Division of Environment and Natural Resources provided funding for the Ellerbee Creek headwater stream renovation project. A Durham County Open Space grant funded benches and lighting for the park. Impact fees provided money for the skateboard facility which opened in 2010. Ongoing art exhibits and the Sister Cities Tree grove have enlivened the park. Regular volunteer workdays have kept the site well-maintained. And, of course, the biggest project in the park, the Farmer's Market Pavilion, was opened in 2006 from a combination of state and federal grants, City bond money, and a strong private fund-raising effort.

The key to this list of successes is that all of the work done to make Central Park the exciting place that it is today is a result of partnerships—with energy, ideas, and funding coming now from one source and now from another.

### **Issues/Analysis**

The City now has 68 parks and is committed to keeping them all well-managed and well-maintained. Durham Central Park, Inc. was specifically created to encourage, raise funding for, and develop programming in just one site, Central Park itself. To date, the organization's record has been exemplary, with a growing number of events in the park and with a growing number of regular volunteers assisting the efforts of their volunteer board. DCP staff and volunteers provide regular oversight of events that their organization schedules. The Agreement between the City and DCP, Inc. currently existing for the Farmer's Market (the west side of the park) ends in March, 2016, and DPR is proposing that this Agreement for the Leaf area (the east side of the park) run currently with that existing one. The skateboard park, which is also on the east side of the park, is specifically exempted from the proposed Management Agreement because the State's waiver of liability for such facilities is only extended to municipalities and not private entities (see Agreement Attachment A).

The public's interest in the property is protected by the Agreement. DCP agrees that improvements to the park must be approved by the City Manager or his designee or in some cases by the City Council. It agrees not to conduct any activity on the premises that the City itself would not be authorized to conduct. It agrees that any procurement of services or materials will follow the same procedures that the City itself uses for that work. The City will continue to mow the park and collect the trash on the same schedule as other City park facilities, thus providing continuous oversight of the physical space itself.

Public access to the park is also protected by the Agreement. The park is open to use by the public, without charge, from dawn until dark, except for specific areas that may be rented—the same terms under which DPR operates all City parks. As additional oversight, DCP agrees to provide an annual report of all parties to whom the park is rented and agrees that rentals will not discriminate against any potential renter. The Agreement requires establishment of a process under which any park user or vendor may make a complaint about the management and under which the City will be aware of any complaint.

Allowing DCP to manage both sides of the park, with the Farmer's Market and the Leaf, will allow the programming and rentals to be managed by one agency—not two as is now the case with DPR and DCP both scheduling the park. Any rental fees received by DCP are put back into park improvements, unlike rental fees received by DPR.

### **Alternatives**

The City Council could choose to keep the park management as it now is, with DCP managing the west side of the park (with the Farmer's Market Pavilion) and DPR managing the east side of the park (with the Leaf and the skateboard facility). Or, the City Council could ask DCP and DPR to develop some different kind of agreement for management of the whole park site.

### **Financial Impact**

Since the City has not been renting or receiving revenue from Central Park, there will be no decrease in revenue to the City. Revenue received from rentals by DCP, Inc. is typically put back into the park for maintenance or enhancements or into communications about the organizations and its plans for the park.

**SDBE Summary**

SBDE Provisions are contained in the management agreement.

Attachment: Management Agreement